

REMARKS

Reconsideration and allowance for the above-identified application are respectfully requested in light of the above amendments and these remarks. Claims 1-22 were pending at the time of the last examination. Claims 1, 2, 6, 7, 9-13 17, 18 and 20-22 are amended herein. Accordingly, Claims 1-22, as further amended, are pending for further consideration.

In preliminary Section 2 of the Office Action, Claims 7, 9, 10, 18, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Furthermore, in preliminary Section 3 of the Office Action objects to Claims 10, 11, 20, 21 and 22 because of several informalities. Each of these claims are amended herein to provide further clarity and to remove informalities. In the prior listing of claims presented in the "Amendment B" dated April 27, 2004, language that was previously deleted from the claims via strikeout font was inadvertently left in claims having the status marker "Previously Presented". The amendments to Claims 6, 7, 9-11, 17, 18 and 20-22 correct that oversight. The undersigned further notes that as this is the only rejection of Claims 9, 10, 20 and 21, Claims 9, 10, 20, and 21 as amended herein should presently be in allowable form.

The Office Action rejects Claims 1 and 12 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,438,362 issued to Amezawa (hereinafter referred to as "Amezawa") and United States patent number 6,088,324 issued to Sato (hereinafter referred to as "Sato"), in view of well established teaching in the art. Claims 1 and 12 are amended herein for clarity to recite a means in Claim 1 (and step in Claim 12) "for estimating propagation path variations **between respective prior** transmit power control sections and **a current** transmit power control section to obtain propagation path variation estimation values, **wherein each of the propagation path variation estimation values is obtained by estimating a propagation**

path variation *between a different corresponding prior* transmit power control section and *the current* transmit power control section" (emphasis added). As will now be explained, this estimation feature is neither described, taught, nor suggested by even the combination of Amezawa, Sato and the well established teaching in the art.¹

The amended language of Claims 1 and 12 clarifies that the propagation path variation estimation values are each obtained by estimating variations between a different prior transmit power control section and the same current transmit power control section. This feature is supported for example, in Figure 5 and the corresponding description of the applicants' specification. For example, the first (left-most in Figure 5) propagation path variation estimation value 508 labeled as (#n-1 -> #n) is obtained by dividing the received signal after common channel rake combining 502 by the prior value having passed through one delayer 504. The second propagation path variation estimation value 508 labeled as (#n-2 -> #n) is obtained by dividing the same received signal 502 by the even more prior value having passed through two delayers 504. The effect of this is that each propagation path variation estimation value obtained for a single current slot is obtained over a different length of time interval. Also, multiple propagation path variation estimation values are used for a single current slot. Thus, the same section (see #n in Figures 4A, 4B and 5) is used as the current transmit power control section for calculation of all propagation path variation estimation values, and a respective prior transmit power control sections (see #n-1, #n-2 ...or #n-K in Figures 4A, 4B and 5) are used to calculate a respective propagation path variation estimation value (see e.g., page 24, line 28 to page 25, line 12 and Figure 5 of applicants' specification).

¹ Since none of the combinations describe, teach or suggest all of the recited features of any of the independent claims, it is not necessary that a full response to the Office Action also include arguments against any of the combinations of references. The lack of such an argument in this response should not, therefore, be considered as acquiescing that the respective combination is appropriate.

Amezawa and Sato do not disclose this recited feature that is included in independent Claim 1 and 12 by amendment. The Office Action concedes that Amezawa does not even disclose different transmit power control sections. However, the Office Action argues that Sato discloses a variation of different transmit power control sections from past to a certain present/current slot. In so doing, the Office Action refers to Figure 3 of Sato, and specifically alleging a correlating between "the current transmit power control section" recited in Claims 1 and 12, and the third/fourth slot of Figure 3. However, the current transmit power control section recited in the claims is used for calculating all of the propagation path variation values recited in the claim. In stark contrast, the third and fourth slots of Sato are temporally different. Furthermore, well establish teaching in the art also does not suggest this feature. Therefore, withdrawal of the 35 U.S.C. 103(a) rejection of Claims 1 and 12 is respectfully requested.

The Office Action also rejects claims 2 and 13 under 35 U.S.C. 103(a) as being unpatentable over United States patent number 6,178,194 issued to Vasic (hereinafter referred to as "Vasic"), United States patent number 6,389,296 issued to Shiraki (hereinafter referred to as "Shiraki"), United States patent number 5,590,409 issued to Sawahashi (hereinafter referred to as "Sawahashi"), and further in view of well established teaching in the art. Claims 2 and 13 are amended herein to clarify the differences between Claims 2 and 13 and the combination of these references.

None of Vasic, Shiraki, Sawahashi, and well established teaching in the art teach a means as recited in Claim 2, or a step as recited in Claim 13 for "estimating changing amounts of transmit power of a communication partner station varied by transmit power control from different **between respective prior** transmit power control sections and a **current** transmit power control section to obtain transmit power changing amount estimation values, **wherein**

each of the transmit power changing amount estimation values is obtained by estimating a transmit power changing amount *between a different corresponding prior* transmit power control section and *the current* transmit power control section" (emphasis added).

The Office Action concedes that Vasic does not explicitly disclose changing amount of transmit power of a communication partner station varied by transmit power control from different transmit power control sections in the present transmit power control section from respective transmit power control sections in the past. However, the Office Action implies that Shiraki does disclose this feature. However, in Shiraki, a mobile station monitors a plurality of instructions of transmit power control received from a base station to determine a step size in the transmission power control. Such a scheme is fundamentally different from the above described feature. Likewise, neither Sawahashi nor well established teach in the art discloses this feature. Accordingly, even the combination of these references lacks a teaching or suggestion of this recited feature. Therefore, withdrawal of the 35 U.S.C. 103(a) rejection of Claims 2 and 13 is respectfully requested.

The Office Action further rejects Claims 3 and 14 under 35 U.S.C. 103(a) as being unpatentable over Amezawa, Sato, and further in view of United States patent number 5,297,161 issued to Ling (hereinafter referred to as "Ling") and well established teaching in the art. As already mentioned above, even the combination of Amezawa, Sato and well established teaching in the art fail to teach or suggest a means in Claim 1 (and step in Claim 12) "for estimating propagation path variations **between respective prior** transmit power control sections and a **current** transmit power control section to obtain propagation path variation estimation values, wherein each of the propagation path variation estimation values is obtained by estimating a propagation path variation *between a different corresponding prior* transmit power

control section and *the current transmit power control section*" (emphasis added). Ling likewise does not disclose this feature. Therefore, Claims 1 and 12 are also not unpatentable over the combination of Amezawa, Sato, Ling, and well established teaching in the art. Therefore, Claims 3 and 14 are likewise not unpatentable over the combination to the extent that they depend from Claims 1 and 12, respectively. The Office Action does not contend that the combination teaches or suggests Claims 2 and 13, and the combination indeed does not teach or suggest Claims 2 and 13. Therefore, Claims 3 and 14 are likewise not unpatentable over the combination to the extent that they depend from Claims 2 and 13, respectively. Therefore, withdrawal of the 35 U.S.C. 103(a) rejection of Claims 3 and 14 is respectfully requested.

The Office Action further rejects Claims 4, 5, 15 and 16 under 35 U.S.C. 103(a) as being unpatentable over Amezawa and Sato, and further in view of well established teaching in the art. As already laid out above, the combination of Amezawa, Sato, and well established teaching in the art does not teach or suggest all the features recited in any of the independent claims. Therefore, Claims 4, 5, 15 and 16 are not unpatentable over the combination of these references at least for the same reasons as provided for their respective independent claim.

The Office Action further rejects Claims 6 and 17 under 35 U.S.C. 103(a) as being unpatentable over Amezawa and Sato, and further in view of United States patent number 6,377,809 issued to Rezaiifar (hereinafter referred to as "Rezaiifar"). As already established, the combination of Amezawa and Sato does not teach or suggest a means as in Claim 1 (and step as in Claim 12) "**for estimating propagation path variations *between respective prior* transmit power control sections and a *current* transmit power control section to obtain propagation path variation estimation values, wherein each of the propagation path variation estimation values is obtained by estimating a propagation path variation *between a different corresponding***

prior transmit power control section and the current transmit power control section” (emphasis added), nor does the combination disclose a means as recited in Claim 2, or a step as recited in Claim 13 for “estimating changing amounts of transmit power of a communication partner station varied by transmit power control from different **between respective prior** transmit power control sections and **a current** transmit power control section to obtain transmit power changing amount estimation values, **wherein each of the transmit power changing amount estimation values is obtained by estimating a transmit power changing amount between a different corresponding prior** transmit power control section and **the current transmit power control section**” (emphasis added). Likewise, Rezaiifar also does not teach or suggest (nor does the Office Action contend that Rezaiifar teach or suggest) these recited features. Therefore, all of the independent claims are not unpatentable over the combination of Amezawa, Sato, and Rezaiifar. Therefore, Claims 6 and 17 are not unpatentable over the combination at least for the same reasons as provided for their respective independent claim(s).

The Office Action further rejects Claims 7 and 18 under 35 U.S.C. 103(a) as being unpatentable over Vasic, Shiraki, and Sawahashi, as applied to Claims 2 and 13, and further in view of United States patent number 5,604,766 issued to Dohi (hereinafter referred to as “Dohi”). As already established, the combination of Vasic, Shiraki, and Sawahashi, does not teach or suggest a means as recited in Claim 2, or a step as recited in Claim 13 for “estimating changing amounts of transmit power of a communication partner station varied by transmit power control from different **between respective prior** transmit power control sections and **a current** transmit power control section to obtain transmit power changing amount estimation values, **wherein each of the transmit power changing amount estimation values is obtained by estimating a transmit power changing amount between a different corresponding prior**

transmit power control section and *the current* transmit power control section" (emphasis added). Likewise, Dohi also does not teach or suggest (nor does the Office Action contend that Dohi teaches or suggests) these recited features. Therefore, independent claims 2 and 13 are not unpatentable over the combination of Vasic, Shiraki, Sawahashi, and Dohi. Therefore, Claims 7 and 18 are not unpatentable over the combination at least for the same reasons as provided for their respective independent claim(s).

The Office Action further rejects Claims 8 and 19 under 35 U.S.C. 103(a) as being unpatentable over Amezawa and Sato, and further in view of Sawahashi. As already established, the combination of Amezawa and Sato does not teach or suggest a means as in Claim 1 (and step as in Claim 12) "for estimating propagation path variations **between respective prior** transmit power control sections and **a current** transmit power control section to obtain propagation path variation estimation values, **wherein each of the propagation path variation estimation values is obtained by estimating a propagation path variation *between a different corresponding prior*** transmit power control section and ***the current*** transmit power control section" (emphasis added). Likewise, Sawahashi also does not teach or suggest (nor does the Office Action contend that Sawahashi teaches or suggests) this recited feature. Therefore, Claims 1 and 12 are not unpatentable over even the combination of Amezawa, Sato, and Sawahashi. Therefore, Claims 8 and 19 are not unpatentable over the combination at least for the same reasons as provided for their respective independent claim(s).

Accordingly, each of the rejections should be withdrawn, and favorable action is respectfully requested. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 6th day of October, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'AJL' with a stylized flourish.

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PATENT APPLICATION

Docket No. 15689.54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Masafumi USUDA et al.

Serial No.: 09/619,361

Filing Date: July 19, 2000

Confirmation No.: 2184

For: CDMA RECEPTION APPARATUS AND
RECEIVED SIGNAL POWER MEASURING
APPARATUS IN CDMA MOBILE
COMMUNICATION SYSTEM

Examiner: Ian N. Moore

Customer No.: 022913

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that the following documents are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 6th day of October 2004.

- Transmittal Letter (3 pages) (in duplicate)
- Amendment "C" and Response (20 pages)
- Postcard

Respectfully submitted,

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PATENT APPLICATION
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CDMA RECEPTION APPARATUS AND
RECEIVED SIGNAL POWER MEASURING
APPARATUS IN CDMA MOBILE
COMMUNICATION SYSTEM

TRANSMITTAL FOR AMENDMENT "C" AND RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment "C" and Response for entry in the above-identified application.

Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.

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_____ To secure the approval of the Examiner for proposed amendments to the drawings, enclosed are the following:

_____ Letter to the Official Draftsperson;

_____ Set of _____ () sheets of drawings containing Figures _____ including the proposed amendments therein; and

_____ A duplicate set of the _____ () sheets of drawings with the changes therein highlighted in red.

_____ To render the transmitted Amendment "C" and Response timely filed enclosed are the following:

_____ Petition for a _____-Month Extension of Time; and

_____ Check No. _____ in the amount of \$ _____ to cover the fee for the extension of time.

X A Certificate of Express Mail Under 37 C.F.R. § 1.10.

X No other additional fee is required.

The fee has been calculated as follows:

| | | | SMALL ENTITY | | LARGE ENTITY | |
|--|---------------------------------|---------------|--------------|-------------|--------------|-------------|
| CLAIMS REMAINING AFTER | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE | ADD'T'L FEE | RATE | ADD'T'L FEE |
| TOTAL | MINUS | = | X | | X | |
| INDEPENDENT | MINUS | = | X | | X | |
| 1 st PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | + _____ = | | + _____ = | |
| | | | TOTAL | | TOTAL | |

_____ Check No. _____ in the amount of \$0 is enclosed to cover the additional claim fee.

____ Please charge my Deposit Account No. 23-3178 in the amount of _____.

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

X Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

X Any patent application processing fees under 37 CFR 1.17.

X A duplicate copy of this transmittal letter is attached.

Dated this 6th day of October 2004.

Respectfully submitted,

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